

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14682 of 2021

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M/S Ashish Motors through one of its Partner namely Vinay Agarwal, (Male), aged about 58 years, son of Late Ram Sharan Agarwal, Resident of Ram Krishna Mission Road, P.S.-Katihar, District-Katihar. At present Resident of N-4, 3rd Floor, Kailash Colony, P.s.-Greater Kailash-1, District South Delhi, New Delhi -110048.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna.
2. The Transport Commissioner, Government of Bihar, Patna.
3. The Deputy Secretary, Transport Department, Government of Bihar, Patna.
4. The District Transport Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amish Kumar
For the Respondent/s : Mr.Ajay Kr. Rastogi (Aag10)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 08-03-2022 The petitioner has preferred this writ petition for the following reliefs :-

“ (i) For quashing the show cause notice bearing Memo no. 173/परि. dated 23rd February, 2021 (Annexure 2) issued by the respondent no. 4 asking the petitioner to deposit a sum of Rs. 7,59,500/- towards Trade Certificate Fee @ Rs. 50/- each motorcycle for total number of 15,190 motorcycle sold by the petitioner during the year 2012-13.

(ii) For further declaration that the show cause



notice bearing Memo no. 173/परि. dated 23.02.2021 (Annexure 2) issued by the respondent no. 4 against the petitioner is itself not maintainable in terms of the provisions of Motor Vehicle Act, 1988 read with Central Motor Vehicle Rules, 1989.

(iii) For direction to the respondent no. 4 to consider and dispose of the reply filed by the petitioner dated 12.04.2021 (Annexure-3) in accordance with law and in terms of the provisions of Motor Vehicle Act, 1988 read with Central Motor Vehicle Rules, 1989.

At the outset, on a query being put to the learned counsel for the petitioner as to whether he has filed a reply to the show cause notice, the answer is in the affirmative. However, no decision has been taken thereon.

Accordingly, we dispose of the writ petition with a direction to the concerned authority to take a decision on the issue at the earliest, in any case, not later than four weeks.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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